

**CONDITIONS OF APPROVAL - EXHIBIT B
CONDITIONS FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT**

Approved Development

1. This approval authorizes:
 - a. Request by Damien and Katheryne Mavis and Patrick Arnold for a Tentative Parcel Map and Development Plan/ Coastal Development Permit to allow for 1) the subdivision of an existing 6,000 square foot parcel into two 3,000 square foot residential parcels, 2) construction of two single family residential units of 1,983 square feet and 1,917 square feet with attached two car garages on the proposed residential parcels, and 3) use of the residences as two separate vacation rentals. The project will result in the disturbance of the entire parcel through development, landscaping and associated improvements.
 - b. The maximum height of the residences shall be 25 feet as measured from average natural grade.

Conditions required to be completed at the time of application for construction permits

Site Development

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.
4. **At the time of application for construction permits**, the applicant shall provide roofing materials which comply with the requirements of the Avila Beach Specific Plan and are non-reflective materials.

Fire Safety

5. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code.

Services

6. **At the time of application for construction permits**, the applicant shall provide a letter from Avila Beach Community Services District stating they are willing and able to service the property.

Conditions to be completed prior to issuance of a construction permit

Noise

7. (N-1) The applicant will demonstrate that the homes are designed to minimize interior noise exposure including, but not limited to the following features:
 - a. Air conditioning or a mechanical ventilation system
 - b. Solid core exterior doors with perimeter weather stripping and threshold seals
 - c. Exterior finish stucco or brick veneer (or wood siding with plywood under layer)
 - d. Roof or attic vents baffled.

Fees

8. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

Best Management Practices

9. **Prior to issuance of a construction permit**, the construction documents shall show that the project complies with Best Management Practices (BMP's) to address storm water runoff. The combined set of BMP's shall be designed to treat and infiltrate storm water runoff up to and including the 85th percentile storm event.
10. "Naturally-occurring asbestos" has been identified by the State Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, **prior to construction permit issuance**, a geologic investigation will be prepared and then submitted to the county to determine the presence of naturally-occurring asbestos. If naturally occurring asbestos is found at the site, the applicant must comply with all requirements outlined in the Asbestos ATCM before grading begins. These requirements may include, but are not limited to, 1) preparation of an "Asbestos Dust Mitigation Plan", which must be approved by APCD before grading begins; 2) an "Asbestos Health and Safety Program", as determined necessary by APCD. (For any questions regarding these requirements, contact Karen Brooks (APCD) at (805) 781-5912 or go to <http://www.slocleanair.org/business/asbestos.asp>). **Prior to final inspection or occupancy**, whichever occurs first, when naturally-occurring asbestos is encountered, the applicant shall provide verification from APCD that the above measures have been incorporated into the project.

Conditions to be completed during project construction

11. *Fugitive PM10 Mitigation Measures* (All required PM10 measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated

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monitor(s) shall be provided to the APCD **prior to construction/grading permit issuance**)

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

Cultural Resources

12. (CR-1) **During construction/ground disturbing activities**, the applicant shall comply with all requirements of the Cultural Resources Monitoring Plan submitted by Applied EarthWorks Inc., dated May 2008 and revised December 2008, including retaining a Chumash representative during ground disturbance.
13. (CR-2) Any soil from the embankment that is excavated shall remain on the lot where it originated from or be transported to the approved location as shown on the "Colony Retrieval Site" map dated July 15, 2006. Reburial and relocation of cultural materials at this location shall be conducted under the authority of the local Chumash representative and the project archaeologist who shall also be on site during depositing of materials and/or reburial activities.
14. (CR-3) **Prior to final inspection**, the applicant shall submit the final Phase III monitoring/mitigation report (to be completed by Applied EarthWorks, Inc.) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied EarthWorks, Inc. (May 2008).

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15. (CR-4) **During construction/ground disturbing activities**, in the event archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the County Coroner shall be notified in addition to the department of Planning and Building so proper disposition may be accomplished. If human remains are unearthed, State Health and Safety Code Section 7050.5 require that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin and disposition and pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC will then contact the most likely descendent of the deceased Native American, who will then serve as consultant on how to proceed with the remains (i.e. avoid, rebury).

Building Height

16. The maximum height of the project is 25 feet from average natural grade.
- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Geology and Soils

17. (GS-1) The applicant shall comply with the recommendations and requirements, or comparable, listed in the submitted Soils Engineering Report and Engineering Geology Investigation for The Colony, Lots 1 and 11, Avila Beach Drive, Avila Beach, San Luis Obispo County, California, GeoSolutions, Inc., March 18, 2013 to include: preparation of building pads, paved areas, pavement design, mat foundation, post-tensioned slabs, slab-on-grade construction, retaining walls.
18. All applicable geologic mitigation measures from the GeoSolutions Report, March 18, 2013 geologic evaluation will be shown on the grading and building plans. Compliance will be verified by the project engineering geologist with onsite visits during grading, and verification of all construction documents. Any changes to the requirements requested by the project engineering geologist due to unforeseen site conditions shall be reviewed and approved by the Department of Planning and Building and the project engineering geologist, and shall be shown on all construction documents.

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Conditions to be completed prior to occupancy or final building inspection /establishment of the use

19. Landscaping in accordance with the approved landscaping plan shall be installed before final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
20. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from Cal Fire of all required fire/life safety measures.
21. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

Cultural Resources

22. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.
23. **Prior to final inspection**, an easement shall be recorded over the approved location as shown on the "Colony Retrieval Site" map dated November 19, 2008 from Above Grade Engineering as to prohibit any future disturbance of the buried cultural materials. Easement language shall be reviewed and approved by the Department of Planning and Building.
24. **Prior to final inspection** the applicant shall submit the final Phase III monitoring/mitigation report (completed by Applied Earthworks) detailing all field and laboratory work completed, materials recovered, and conclusions reached during all monitoring activities for review and approval. This report shall show how the project complied with all the required mitigation measures outlined in the submitted monitoring report by Applied Earthworks (December 2008).

On-going conditions of approval (valid for the life of the project)

25. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
26. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these

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conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

27. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the county.